

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, December 9, 2014
11:40 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN ED NEILSON
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN MARIAN B. TASCO

BILL 140721 - An ordinance providing for the submission to the qualified electors of the City of Philadelphia of the proposal set forth in a Resolution approved by Council proposing an amendment to the Philadelphia Home Rule Charter relating to the creation of a new Department of Planning and Development...

RESOLUTION 140732 - Resolution proposing an amendment to The Philadelphia Home Rule Charter relating to the creation of a new Department of Planning and Development...

- - -

1
2 COUNCILMAN GREENLEE: Can I
3 have everybody's attention, please. We
4 want to get started.

5 This is the Committee on Law
6 and Government. We have obtained a
7 quorum with Councilman Goode, Councilman
8 Neilson, Councilman O'Brien, and Council
9 President Clarke.

10 Ms. Marconi, will you please
11 read the title of the bill and the
12 resolution before us today.

13 THE CLERK: Bill No. 140721, an
14 ordinance providing for the submission to
15 the qualified electors of the City of
16 Philadelphia of the proposal set forth in
17 a Resolution approved by Council
18 proposing an amendment to the
19 Philadelphia Home Rule Charter relating
20 to the creation of a new Department of
21 Planning and Development, headed by a
22 Cabinet-level Director, to oversee the
23 City's planning, zoning, licensing,
24 inspection, enforcement, and housing
25 functions; continuing the existence of

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 the City Planning Commission,
3 Philadelphia Historical Commission,
4 Zoning Board of Adjustment, Board of
5 Building Standards, and Board of License
6 and Inspection Review as boards or
7 commissions in such new Department, with
8 certain changes to the powers and duties
9 of such boards and commissions; creating
10 a new Intergovernmental Housing
11 Commission in such new Department; and
12 conforming other provisions of the
13 Charter to such organization; and
14 authorizing the appropriate officers to
15 publish notice and to make arrangements
16 for the special election.

17 Resolution 140732, resolution
18 proposing an amendment to The
19 Philadelphia Home Rule Charter relating
20 to the creation of a new Department of
21 Planning and Development, headed by a
22 Cabinet-level Director, to oversee the
23 City's planning, zoning, licensing,
24 inspection, enforcement, and housing
25 functions; continuing the existence of

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 the City Planning Commission,
3 Philadelphia Historical Commission,
4 Zoning Board of Adjustment, Board of
5 Building Standards, and Board of License
6 and Inspection Review as boards or
7 commissions in such new Department, with
8 certain changes to the powers and duties
9 of such boards and commissions; creating
10 a new Intergovernmental Housing
11 Commission in such new Department; and
12 conforming other provisions of the
13 Charter to such reorganization; and
14 providing for the submission of the
15 amendment to the electors of
16 Philadelphia.

17 COUNCILMAN GREENLEE: Thank
18 you.

19 Before we take any testimony, I
20 want to recognize Council President
21 Clarke, the sponsor of this bill and
22 resolution.

23 COUNCIL PRESIDENT CLARKE:
24 Thank you, Mr. Chairman. Good morning.
25 Mr. Chairman, this is an action -- first

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 of all, thank you for agreeing to having
3 a hearing.

4 Over the last several years,
5 I've actually had the occasion and the
6 pleasure and opportunity being a member
7 of government in various capacities over
8 a number of times and there's always
9 been, to some degree, challenges
10 associated with individuals or companies
11 or developers or anyone who has had to
12 deal with some of the government
13 functions. We have all always in
14 government attempted to do the best we
15 could to facilitate the opportunities for
16 people to take advantage of government
17 functions.

18 Earlier, as I see my colleague
19 Councilwoman Brown, walk in the Chambers,
20 we years ago worked on a process as it
21 relates to Fairmount Park and the
22 Department of Recreation where we saw a
23 significant level of redundancy in the
24 various departments, departments that had
25 a significant similarity, and over a

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 period of time, we worked on and were
3 ultimately successful in creating the
4 Department of Parks and Recreation where
5 we essentially consolidated services that
6 not only made it more user friendly, but
7 it gave us an opportunity to have a much
8 better process as it relates to the
9 customers, which are the citizens of the
10 City of Philadelphia.

11 Subsequently, as we looked at
12 some of the other departments as it
13 relates to development, being a
14 Councilperson that deals significantly
15 with development issues and talking to
16 developers and individuals who are
17 interested in various housing,
18 commercial, and permitting processes,
19 there were always challenges as it
20 relates to our ability to get to a point
21 where we need to be.

22 What we did, we looked at best
23 practices across the country and we found
24 that we actually are one of the few
25 cities who do not have the level of

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 consolidation for these particular
3 functions currently within the Code. We
4 actually do have under Mayor Nutter's
5 recent Charter organization an attempt to
6 do that across some of the departments.
7 Currently, the Deputy Mayor,
8 Mr. Greenberger, who actually has, and
9 you'll see during the course of the
10 testimony, a significant amount of these
11 functions that we are referencing today
12 in his portfolio, and with the
13 understanding after having discussion the
14 need to have those particular functions
15 in that portfolio gave them a better
16 opportunity to facilitate some of the
17 changes.

18 We saw across the country --
19 and there will be a chart that lays that
20 out -- across the board there were a lot
21 of opportunities to provide that level of
22 service, and what we're attempting to do
23 is just simply replicate that, create a
24 more user-friendly environment to make
25 sure at the end of the day the role as it

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 relates to the responsibility for those
3 departments will be put in the Charter.
4 We want to elevate that status to a
5 cabinet-level position to show the
6 importance and, at the end of the day,
7 create a much better environment for
8 individuals in the City of Philadelphia.

9 Thank you, sir.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. President.

12 The record will please reflect
13 also that Councilwoman Tasco and
14 Councilman Henon, members of the
15 Committee, are present.

16 If there's no other comments by
17 the Committee, Ms. Marconi, will you
18 please call the first witness.

19 THE CLERK: Alan Greenberger.

20 (Witness approached witness
21 table.)

22 COUNCILMAN GREENLEE: Good
23 morning. Please identify yourself and
24 proceed.

25 DEPUTY MAYOR GREENBERGER: Good

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 morning, Chairman Greenlee and other
3 members of the Committee. My name is
4 Alan Greenberger, Deputy Mayor for
5 Economic Development and Director of
6 Commerce and also the Chairman of the
7 Philadelphia City Planning Commission.

8 COUNCILMAN GREENLEE:

9 Mr. Greenberger, speak a little bit more
10 into the mic.

11 DEPUTY MAYOR GREENBERGER:

12 Sorry. Is it working?

13 COUNCILWOMAN TASCO: Slow down.

14 COUNCILMAN GREENLEE: I think
15 they're about the same as long as you
16 speak right into it.

17 DEPUTY MAYOR GREENBERGER:

18 Thank you for the opportunity to testify
19 on this important issue of how to
20 structure City government in a way that
21 best supports economic development in
22 Philadelphia.

23 The goal of greater
24 coordination of departments and agencies
25 involved in facilitating real estate

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2 development is one that this

3 Administration shares and has pursued in
4 a number of ways.

5 As Deputy Mayor for Economic
6 Development, I am responsible for a
7 portfolio of entities that interact with
8 developers, such as the Planning
9 Commission, Commerce, PIDC, the Housing
10 Authority, the Office of Housing and
11 Community Development, and the
12 Philadelphia Redevelopment Authority.

13 The goal of organizing departments by
14 portfolio under deputy mayors is
15 precisely to ensure coordinated
16 decision-making and priorities among
17 those with similar interests and
18 responsibilities.

19 This coordination manifests
20 itself in a number of ways.

21 First, I chair a weekly
22 meeting -- in fact, it was just this
23 morning -- between the Department of
24 Commerce, Philadelphia Redevelopment
25 Authority, and PIDC to discuss

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2 development projects, ensure
3 coordination, and resolve any roadblocks
4 that inevitably arise on complex issues.

5 Second, I also chair a monthly
6 meeting of all departments within the
7 economic development portfolio to share
8 information and work together on
9 projects. This group also includes all
10 of the housing agencies in government,
11 Office of Housing and Community
12 Development, the Housing Authority, and
13 the Housing Development Corporation.
14 These opportunities for everyone to get
15 together around the same table are in
16 addition to the daily conversations and
17 meetings we have to work together on
18 projects.

19 Third, and perhaps most
20 important from the perspective of daily
21 coordination on development projects, we
22 established a Developer Services Unit
23 within the Commerce Department. The role
24 of this unit is precisely to bring
25 together all of the departments and

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 agencies from across the government that
3 have a role to play in approving
4 development. This certainly includes
5 Commerce, Planning, and PIDC from the
6 economic development portfolio, but also
7 includes the Water, Streets Department,
8 and as we know, L&I was recently and
9 appropriately moved to the public safety
10 portfolio to emphasize a focus on
11 building safety, but it does include the
12 regulatory side, particularly the zoning
13 approval side of L&I.

14 The staff of the Developer
15 Services Unit works on a daily basis to
16 help projects through the system and to
17 ensure a smooth and coordinated
18 experience for developers. They also
19 chair meetings of all relevant entities
20 with developers on particular projects so
21 that coordinated, consistent responses
22 are given. In addition to this unit,
23 Deputy L&I Commissioner Mike Fink was
24 assigned to my office earlier this year
25 to provide further coordination between

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 Commerce, Planning, and L&I on
3 development issues.

4 This structure, combined with
5 the new Zoning Code, which took effect in
6 August 2012, a reduction in the number of
7 licenses available from L&I, and the
8 soon-to-be-implemented Project eCLIPSE,
9 will allow for online license
10 application, payment, and renewal, as
11 well as online permitting and the
12 proposed implementation of electronic
13 plan review, which will provide for
14 concurrent plan review by all responsible
15 agencies. These have, I believe, created
16 a much more coordinated, consistent, and
17 easy-to-navigate system for businesses
18 and developers alike.

19 However, that all said, no
20 system is perfect. Efficiency and
21 effectiveness are always the goal, and
22 there is always more work that can be
23 done. So I commend the Council
24 President's office and members of Council
25 for the work they've done to date to

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2 explore potential improvements. You are
3 certainly asking the right questions, and
4 they are questions we ask ourselves every
5 day.

6 However, we do have some
7 concerns with the proposal before us
8 today and believe that a reform of this
9 scale and scope deserves further
10 consideration and stakeholder engagement
11 before it can be implemented. Let me
12 outline some of the general areas of
13 concern or issues raised by this proposal
14 which we think needs to be addressed.

15 There are a number of
16 departments and agencies whose approval
17 is required for development, such as the
18 Water Department and Streets Department,
19 or who play a major role in bringing
20 projects to fruition, such as the
21 Commerce Department and PIDC, who are not
22 included in this Department of Planning
23 and Development. If the goal is greater
24 coordination of all involved, the
25 relationship of all responsible agencies

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2 to the new department needs to be
3 clarified.

4 Specifically related to L&I, a
5 working group, including representation
6 from City Council, is currently looking
7 at the recommendations made by the
8 Special Independent Advisory Commission
9 on L&I to provide guidance on how those
10 recommendations should be implemented and
11 how L&I should be configured moving
12 forward. Any proposals related to that
13 department, its structure, and where in
14 government it sits should be informed by
15 the work of this task force.

16 In terms of the structure of
17 the Department of Planning and
18 Development, a number of positions that
19 are currently at the Commissioner or
20 Executive Director level would be pushed
21 further down into the bureaucracy,
22 reporting up through a number of layers
23 to the cabinet-level Director. I am
24 concerned that a diminution of these
25 positions could make it harder to attract

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2 personnel of sufficient experience and
3 caliber.

4 In addition to these general
5 concerns, there are a number of more
6 detailed specific issues related to the
7 different departments and their
8 structures, funding sources, and labor
9 arrangements which need to be better
10 understood and managed. For example, the
11 housing agencies are currently operating
12 under ten-year-old collective bargaining
13 agreements, with ongoing negotiations to
14 try to get to a settlement. In case of
15 OHCD, the proposal's requirement, as we
16 understand it, would be that City
17 employees would have to reapply for their
18 own jobs under the Civil Service System,
19 and this has caused some anxiety in that
20 agency's exempt workforce and has the
21 potential to cause a setback in the
22 negotiations.

23 In conclusion, let me reiterate
24 that we are not wedded to the current
25 economic development structure within the

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2 government nor are we resistant to
3 change. Coordination and efficiency have
4 guided our decisions and processes
5 throughout and will continue to do so.

6 We thank the sponsor for
7 raising these issues, but believe that
8 the solution proposed, especially a Home
9 Rule Charter change, is of sufficient
10 scope and scale to warrant further work
11 between Council, the Administration, and
12 the stakeholders in the development
13 community to design a structure which
14 provides even greater clarity and
15 coordination for developers while
16 maintaining the necessary standards and
17 safety concerns that are the
18 responsibility of the City government.

19 That concludes my testimony.
20 I'll be happy to answer your questions.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. Greenberger.

23 Councilman Goode.

24 COUNCILMAN GOODE: Thank you,
25 Mr. Chairman.

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2 Good morning, Mr. Greenberger.

3 DEPUTY MAYOR GREENBERGER: Good
4 morning.

5 COUNCILMAN GOODE: Let me start
6 where you ended. You say that we are not
7 wedded to the current economic
8 development structure within the
9 government nor are we resistant to
10 change. Does that suggest that you
11 believe there's a need for change?

12 DEPUTY MAYOR GREENBERGER:
13 Well, not necessarily, and I think -- but
14 that's me speaking from the point of view
15 of having been delivered a structure by
16 the Mayor and basically having to spend
17 all my time making it work. So to be
18 honest, I don't spend a lot of time
19 thinking about how would I restructure
20 this. I would like to understand better
21 how this proposal might work, because it
22 might represent something better.

23 COUNCILMAN GOODE: And that
24 actually was my next question, how much
25 time and thought have you given to

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 change.

3 DEPUTY MAYOR GREENBERGER: I
4 would confess to you that not a lot. My
5 entire days are spent trying to make the
6 system that we were handed work properly.

7 COUNCILMAN GOODE: Thank you.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 Council President -- Councilman
11 Neilson, then Council President.

12 COUNCILMAN NEILSON: Good
13 morning, sir. Thank you for coming in
14 today.

15 DEPUTY MAYOR GREENBERGER: Good
16 morning.

17 COUNCILMAN NEILSON: You spoke
18 in your testimony about the working group
19 currently looking at the recommendations
20 by the Special Independent Advisory
21 Commission. When was the last time they
22 met, and are you part of that group?

23 DEPUTY MAYOR GREENBERGER: I'm
24 on a committee to receive committee
25 reports.

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2 COUNCILMAN NEILSON: So you're
3 not even on that group?

4 DEPUTY MAYOR GREENBERGER: No.
5 I mean, I'm not -- no. I'm not on the
6 implementation task force. That's right.

7 COUNCILMAN NEILSON: So you
8 don't know how often they met or when
9 they last met or anything like that?

10 DEPUTY MAYOR GREENBERGER:
11 There are a series of committees meeting
12 that are looking at individual pieces of
13 the task force recommendations, and they
14 are intended to deliver their thoughts
15 and analysis within the next week or so.

16 COUNCILMAN NEILSON: And you're
17 not part of any of the committees?

18 DEPUTY MAYOR GREENBERGER: Yes,
19 and I'm part of a review group that will
20 receive those recommendations.

21 COUNCILMAN NEILSON: When was
22 the last time your group met?

23 DEPUTY MAYOR GREENBERGER: My
24 group --

25 COUNCILMAN NEILSON: That

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 you're part of.

3 DEPUTY MAYOR GREENBERGER: As
4 part of this? It has not met yet. It's
5 intended to meet once this analysis is
6 complete.

7 COUNCILMAN NEILSON: So you
8 haven't met?

9 DEPUTY MAYOR GREENBERGER:
10 That's correct.

11 COUNCILMAN NEILSON: Thank you,
12 sir.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilman.

15 Council President Clarke.

16 COUNCIL PRESIDENT CLARKE:
17 Thank you, Mr. Chairman.

18 Good morning, Mr. Greenberger.

19 DEPUTY MAYOR GREENBERGER: Good
20 morning.

21 COUNCIL PRESIDENT CLARKE:
22 Thank you for your testimony and thank
23 you for your conversations we had. I
24 just wanted to just for the record -- and
25 it's actually being passed out. So you

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 currently -- let me first start by you
3 referenced the implementation of this
4 initiative. The implementation actually
5 will be in 2016.

6 DEPUTY MAYOR GREENBERGER: This
7 one?

8 COUNCIL PRESIDENT CLARKE: Yes.

9 DEPUTY MAYOR GREENBERGER: Yes.

10 COUNCIL PRESIDENT CLARKE: So
11 just so everybody understands the broad
12 nature of what we're doing is clearly
13 recognized.

14 DEPUTY MAYOR GREENBERGER: And
15 I understand that too, sir.

16 COUNCIL PRESIDENT CLARKE:
17 Right. The ability to actually put these
18 things in place will take time. We know
19 all about the issues at the various
20 housing agencies. As you said, for ten
21 years they've been trying to come up with
22 a contract. That's extremely
23 unfortunate. I don't think that we
24 should wait another ten years before we
25 create some level of coordination in

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 those housing agencies. And you see in
3 the document we're basically establishing
4 a commission to, to some degree,
5 consolidate. So it wouldn't necessarily
6 deal with the functions. We do want, to
7 some degree, to put in the Charter a
8 format of Office of Housing that was
9 actually created by a memo, and the rumor
10 is that -- and I'll repeat this, and I'll
11 say in capital letters -- the rumor is
12 that the Office of Housing was actually
13 created during the Rizzo years when
14 apparently at that point all of the
15 Community Development Block Grant dollars
16 came to the City through the
17 Redevelopment Authority, and at that
18 time, the former Mayor did not have the
19 level of control over the Redevelopment
20 Authority that he would have liked. So
21 he simply created, via memo, the Office
22 of Housing and Community Development, and
23 then all of the money from the feds came
24 to OHCD. So it was kind of an
25 interesting story, and I've not had

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 anyone to tell me that that's actually
3 not factual. So it can't get much more
4 informal than that. So I do think the
5 significance and the importance of a
6 housing agency should in fact, to some
7 degree, be in the Charter.

8 So currently in your portfolio,
9 and I referenced earlier, is that you
10 currently have Commerce in your
11 portfolio, which is not in this
12 particular proposal.

13 DEPUTY MAYOR GREENBERGER:

14 Correct.

15 COUNCIL PRESIDENT CLARKE: And
16 we've actually talked about that. And
17 we've actually in the conversations
18 wondered if attempting to put that in
19 this proposal was actually trying to bite
20 too much of the apple.

21 DEPUTY MAYOR GREENBERGER: It
22 might be. It's more a matter of how the
23 coordination works day to day than, as I
24 told you, than it might be about actually
25 putting it in the portfolio itself.

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2 COUNCIL PRESIDENT CLARKE:

3 Right.

4 DEPUTY MAYOR GREENBERGER:

5 Because that has other complications that
6 may not work right.

7 COUNCIL PRESIDENT CLARKE: So
8 we kind of, to a degree -- I know a
9 couple of members of the Committee
10 actually would have liked to have seen
11 some economic functions in here, and as
12 you said, when we move forward, we can
13 have those conversations.

14 License and Inspection, OHCD,
15 Planning Commission, Historical
16 Commission, RDA, PIDC, and you have PHA.
17 And so you essentially at this point
18 actually have most of these proposed
19 departments under your portfolio.

20 DEPUTY MAYOR GREENBERGER: Yes.

21 COUNCIL PRESIDENT CLARKE: So
22 it's quite similar in terms of what
23 you're currently doing.

24 DEPUTY MAYOR GREENBERGER:

25 Right. They coordinates through me.

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2 That's correct.

3 COUNCIL PRESIDENT CLARKE: So
4 that was basically done as a result of
5 the Mayor's reorganization of the
6 government when he took office.

7 DEPUTY MAYOR GREENBERGER:
8 That's right.

9 COUNCIL PRESIDENT CLARKE: All
10 right. So just for the record, I just
11 wanted to make sure that people
12 understood that what we're proposing is
13 very similar to what you've done, and you
14 told me the challenges and some of the
15 benefits of having such a structure.

16 Okay. And we took very
17 seriously your recommendations as it
18 relates to possibilities, and we're
19 looking at some potential changes in some
20 of those. So I want to thank you for
21 working with me and your support on this.
22 Well, not support. Well, maybe that's a
23 little bit too far, but thank you for --

24 DEPUTY MAYOR GREENBERGER:
25 Well, there's work to be done, I would

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 say. That's what my testimony says.

3 COUNCIL PRESIDENT CLARKE: All
4 right. Thank you, Mr. Greenberger.

5 COUNCILMAN GREENLEE: Thank
6 you, Mr. President.

7 Any other questions?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, if I could just wrap up in one or
11 two sentences. So the Administration is
12 not opposed to this, but thinks there
13 needs to be more discussion?

14 DEPUTY MAYOR GREENBERGER:
15 There's a lot of questions that need to
16 be answered. There's a lot of people,
17 many in the room and some not in the
18 room, who have a specific interest in how
19 this goes, and I think they're going to
20 need to understand better. We're going
21 to need to understand better.

22 I saw a memo this morning from
23 the Law Department I think that was -- I
24 just saw it this morning that was, I
25 think, sent up to Council President's

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 assistant, Herb Wetzel, that outlined
3 some technical matters that are just hard
4 to fathom at first read. So you just
5 need to sit down and take time and work
6 it out and understand what's good and
7 what's not good in the proposal and go
8 from there.

9 COUNCILMAN GREENLEE: And as
10 far as timing -- I think you know this --
11 even if we pass it out today, it would
12 obviously not be before the full Council
13 until January 22nd.

14 DEPUTY MAYOR GREENBERGER:
15 Understood.

16 COUNCILMAN GREENLEE: All
17 right. Any other questions, comments?

18 COUNCIL PRESIDENT CLARKE: I
19 just want to real quick, I just want to
20 also for the record talk -- in my opening
21 statements I did not talk about the
22 physical challenges associated with some
23 of the locations of the department, and
24 we actually briefly talked about that,
25 the fact that you have Planning in a

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 particular building, you have L&I
3 functions in a particular building, and
4 actually we actually have the Historical
5 Commission on the fifth floor of this
6 building. I understand that people
7 actually wanted it there because they
8 wanted the Historical Commission to be in
9 a historically designated building.

10 DEPUTY MAYOR GREENBERGER:

11 That's what I've been told, but I'll
12 characterize that maybe as rumor also.

13 COUNCIL PRESIDENT CLARKE:

14 That's what I'm saying.

15 DEPUTY MAYOR GREENBERGER: They
16 used to be on the same floor with the
17 Planning Commission at a moment in time.

18 COUNCIL PRESIDENT CLARKE: From
19 my perspective, it would make some sense
20 given the interaction between those
21 departments. So, again, that's why the
22 implementation date was pushed back,
23 because there would have to actually be
24 some physical movement of departments to
25 make it more user friendly. There is a

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 workforce that's primarily Civil Service
3 employees. We actually have outlined a
4 number of -- most of those department
5 heads are in District Council -- not
6 heads, but employees are in District
7 Council 33. A number are in 47, and
8 we've actually had conversations with the
9 leadership of that. So there would be
10 some requirement to actually move some of
11 the employees around if this is
12 implemented.

13 So I just wanted to for the
14 record acknowledge that there are some
15 levels of issues that need to be
16 addressed from a practical perspective.

17 DEPUTY MAYOR GREENBERGER:

18 Thank you.

19 COUNCIL PRESIDENT CLARKE:

20 Thank you, sir.

21 COUNCILMAN GREENLEE: Thank
22 you, Mr. President.

23 Being no further questions,
24 Mr. Greenberger, thank you very much.

25 DEPUTY MAYOR GREENBERGER:

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 Thank you.

3 COUNCILMAN GREENLEE: Ms.
4 Marconi, our next witness, please.

5 THE CLERK: Anne Fadullon.
6 (Witness approached witness
7 table.)

8 COUNCILMAN GREENLEE: Good
9 morning. Please identify yourself and
10 proceed.

11 MS. FADULLON: My name is Anne
12 Fadullon and I am President of the
13 Building Industry Association, which
14 represents the region's residential home
15 builders, residential contractors and
16 suppliers. We'd like to thank Chairman
17 Greenlee and the members of the Law and
18 Government Committee for allowing us to
19 participate in this hearing about the
20 proposed Charter change reorganizing
21 agencies dealing with planning and
22 development in the City of Philadelphia.

23 I want to start by thanking
24 Council President Clarke for showing
25 tremendous leadership for putting a

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2 meaningful, thoughtful discussion on how
3 the City manages and oversees development
4 onto the agenda and, further, allowing
5 the various stakeholders time and an
6 opportunity for input to ensure the City
7 gets it right.

8 Philadelphia has been dealing
9 with development the same way for
10 decades, and now is a really good time to
11 rethink these processes. Philadelphia
12 stands on the brink of truly meaningful
13 economic growth. Modernizing the
14 constellation of agencies responsible for
15 various portions of development and how
16 they relate to each other in providing
17 services to the public and then deciding
18 how that new vision should be reflected
19 in the Code is an important, welcomed
20 effort. The BIA is supportive and agrees
21 that there should be a cabinet-level
22 Office of Planning and Development. It
23 is in that spirit that we offer a few
24 constructive suggestions.

25 First, if anything, the BIA

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2 would like to see a slightly more
3 ambitious approach to this
4 reorganization. While the proposed
5 Divisions of Planning and Zoning and
6 Enforcement and Licensing are very
7 appropriate, the third division, which is
8 currently envisioned as Intergovernmental
9 Housing, needs to encompass more.
10 Housing alone cannot support long-term
11 community development. Rather, it is a
12 piece of the puzzle which must occur in
13 coordination with the commercial and
14 industrial development and open space to
15 ensure communities are developed in a
16 holistic manner. Neighborhood residents
17 need jobs and amenities in addition to
18 quality housing.

19 Second, the BIA believes it is
20 vital to take this opportunity to
21 streamline the permitting processes and
22 to fully implement one-stop shopping. In
23 other words, all of the personnel from
24 the various departments currently
25 required for prerequisite sign-offs for

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 zoning and building permit applications
3 should be housed in one division and
4 speak with one coordinated voice. We
5 don't think the new department can or
6 should absorb the Streets or Water
7 Departments, but their permitting
8 processes can certainly be unified with
9 the others.

10 Third, this restructuring needs
11 to occur with a steady eye on
12 enforcement. It is too easy to simply
13 sit on vacant or blighted property in the
14 City. At the same time, the government
15 needs to accommodate what the private
16 market requires to get financing.
17 Aligning those considerations to impose
18 swift interdiction after a reasonable
19 period of time after acquisition could
20 greatly reduce community problems and
21 promote development.

22 Fourth, in addition to these
23 suggested additions to the approach, we
24 think more time must be spent on
25 understanding the operational details.

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2 While you can't write detail into the
3 Charter, the implementation strategy for
4 any major Charter change should provide
5 operational details. Philadelphia should
6 not run headlong into a change before
7 fully understanding the nuts and bolts of
8 exactly what changes will occur and how
9 the new organizational structure will
10 work.

11 Further, given the need for
12 economic growth in the City and the
13 strong potential Philadelphia has to
14 achieve that growth, it is imperative
15 that all stakeholder groups have a voice
16 at the table and are provided the
17 opportunity for meaningful engagement.

18 On a personal note, I happened
19 to have spent a portion of my career
20 working in a similar structure as to what
21 is being proposed here. The ability to
22 coordinate planning, code enforcement,
23 and development resources within one
24 department with cooperative oversight
25 does provide the means to efficiently and

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 effectively oversee economic growth.

3 However, redrafting an organizational
4 structure alone will not ensure success.

5 The operational details must be worked
6 out to the greatest extent feasible prior
7 to implementation.

8 This effort is critical to
9 creating efficient government processes
10 that will promote the strong economic
11 growth of the City. The members of the
12 Building Industry Association look
13 forward to continuing to work with
14 Council President Clarke and City Council
15 to realign the organizational system to
16 promote the City's community development
17 needs.

18 Thank you for your
19 consideration.

20 COUNCILMAN GREENLEE: Thank
21 you.

22 Are there any questions for
23 Ms. Fadullon?

24 Council President.

25 COUNCIL PRESIDENT CLARKE:

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 Thank you. Actually, no questions. I
3 just want to thank you and your
4 organization for the many years that you
5 all have been engaged and always
6 available to help enhance government
7 services. You've been very helpful in
8 this. And, again, we take very seriously
9 the notes and recommendations that you've
10 outlined, and I suspect during the course
11 of the next couple, two, three months,
12 whatever, we will have an opportunity to
13 address and interact and have the level
14 of input appropriate to make this
15 something that people can be supportive
16 of.

17 MS. FADULLON: Great. And we
18 appreciate the open door we've always
19 gotten from City Council.

20 COUNCIL PRESIDENT CLARKE:
21 Thank you so much.

22 COUNCILMAN GREENLEE: Thank
23 you.

24 Any other questions or
25 comments?

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2 (No response.)

3 COUNCILMAN GREENLEE: Seeing
4 none, thank you.

5 We're going to go a little off
6 our written witness list, please.

7 Ms. Marconi, please call the
8 next witness.

9 THE CLERK: Nancy Winkler.
10 (Witnesses approached witness
11 table.)

12 COUNCILMAN GREENLEE: Good
13 morning. Good afternoon, actually.
14 Please identify yourself.

15 MS. WINKLER: Good afternoon.
16 I'm Nancy Winkler and with me is Robert
17 Coleman. I'm the mother of Anne Bryan.
18 Robert Coleman is the fiance of Kimberly
19 Finnegan, who was killed, along with my
20 daughter, on June 5th, 2013.

21 I'll read my testimony as
22 drafted.

23 Council President Clarke,
24 Chairman Greenlee, and members of the
25 City Council Committee on Law and

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 Government, I am Nancy Winkler, the
3 mother of Anne Bryan. I am here today in
4 my capacity as a private citizen - most
5 importantly as a mother and a student of
6 government - to testify regarding the
7 proposed amendment to the Philadelphia
8 Home Rule Charter relating to the
9 creation of a new City Department of
10 Planning and Development. Please forgive
11 me for not presenting copies of my
12 testimony to you until just a few minutes
13 ago. I only learned of this hearing late
14 yesterday and my work commitments limited
15 my ability to prepare until late last
16 night. I am certain that you all
17 appreciate how important this matter is
18 to me, to my husband Jay, to our son
19 Chris, and to all of our family and
20 friends who loved Anne and want to do
21 everything possible to support
22 life-saving L&I reforms.

23 On June 5th, 2013, a botched
24 demolition on Market Street collapsed the
25 Salvation Army store, killing six people

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2 and injuring 13 others. A few days later
3 a well-liked and respected L&I inspector
4 committed suicide. He had been
5 responsible for the demolition permitting
6 process for that building. We have heard
7 that there were many, many reports to the
8 City that there was a very dangerous
9 situation. Those reports were ignored.

10 This terrible, third-world
11 style tragedy occurred mid morning in a
12 bustling retail store on one of the
13 busiest streets in Philadelphia, in
14 Center City, in the heart of a rapidly
15 revitalized gateway neighborhood.

16 My beautiful, smart, kind
17 daughter Anne and her friend Mary were
18 both killed in this collapse. They had
19 innocently gone to make a donation and
20 shop. It was their first and their last
21 visit to that store.

22 This terrible tragedy has
23 destroyed the special family that my
24 husband and I spent our marriage
25 creating. In addition, we lost Mary,

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2 whom we have known and loved since she
3 was a little girl. I'm sure she would
4 have been the person there comforting me
5 the most had she been given the chance to
6 live. Mary's parents and family lost
7 her.

8 As I have gotten to know all of
9 the families of the victims of the
10 disaster - Bob Coleman, again, as I said,
11 the fiance of Kimberly Finnegan -- it is
12 clear that they are suffering similar
13 enormous loss. Adding to our grief is
14 the knowledge that this was an entirely
15 preventable tragedy.

16 The developer and the
17 contractor were taking reckless risks.
18 Even worse, the risks were taken
19 repeatedly over a period of days or weeks
20 in broad daylight on Market Street for
21 all to see. L&I should have stopped the
22 demolition. That failure is glaring and
23 obvious to all of us. Development
24 trumped safety on June 5th.

25 And I'd just like to note in

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2 terms of organizational structure, L&I
3 was reporting in to an economic and
4 development czar, whose focus was on
5 development.

6 In my grief, I need to bear
7 witness and to do all we can to help
8 prevent another similar catastrophe in
9 the City we love. The developer,
10 contractor, and owners of the store, who
11 ignored public safety, are collectively
12 responsible for this tragedy. But the
13 City also failed us in its responsibility
14 to protect the public. This tragedy
15 underscored in hindsight how the City's
16 building safety oversight is in dire need
17 of reform. Some positive steps have been
18 taken by City Council and the Mayor to
19 make reforms to L&I, and we appreciate
20 those actions. Nonetheless, more needs
21 to be done, and any reform on paper is
22 only as good as its implementation and
23 enforcement.

24 We are seeking justice for Anne
25 and Mary and the others, first and

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 foremost, in the criminal and civil
3 courts, although we've been warned by
4 many experts that we aren't going to get
5 any justice in the criminal courts. But
6 we are worried that similar disasters
7 could occur in the future unless there is
8 tougher public oversight of demolition
9 and construction. And I'd like to add,
10 although it's not in my testimony,
11 accountability.

12 The tragedy made it
13 breathtakingly clear that L&I needs
14 fundamental departmental reorganization
15 and, importantly, appropriate levels of
16 funding.

17 Last summer when this occurred,
18 we did not think L&I was equipped to
19 enforce its regulations. So Jay and I
20 publicly called for an independent
21 blue-ribbon panel review that assessed
22 L&I's actual ability to perform as a
23 public safety entity given the realities
24 of the construction, demolition, and
25 dilapidated building environment in

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 Philadelphia, as well as the insufficient
3 funding. Jay and I called for the head
4 of L&I to be a licensed professional
5 engineer or building safety expert. L&I
6 needs adequate funding and a leader whose
7 first duty, through training and
8 professional obligation, is to safety,
9 not to development. This follows the
10 model where public safety departments are
11 led by safety experts. The Police
12 Department is led by a policeman. The
13 Fire Department is led by a fireman. And
14 the Health Department is run by a doctor.

15 We appreciate that the Mayor
16 created the independent panel and
17 appointed a group of highly regarded
18 independent experts as panel members. We
19 appreciate the diligence and seriousness
20 with which they pursued their charge. It
21 is important that we as a city
22 deliberately publicly discuss and
23 consider their recommendations, no matter
24 how painful that may be. We urge the
25 Mayor to release his plan to implement

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2 the reforms so we can see what steps will
3 be taken. It's time for us to hear from
4 the Mayor.

5 How we collectively as a city,
6 Administration, and City Council respond
7 to this tragedy to protect public safety
8 says volumes about who we are as a city.
9 I am in favor of development, but
10 development should not be put ahead of
11 safety as it was on June 5th. Safety
12 must come first. People don't want to
13 live in a city where this kind of thing
14 happens and the core problems are not
15 convincingly effectively resolved. The
16 public wants real reform and a public
17 safety focus. City Charter changes
18 should seriously -- should be seriously
19 discussed. This Charter amendment would
20 enshrine the status of safety as
21 secondary to development.

22 I strongly believe that we, the
23 victims of the tragedy and the public at
24 large, are not ready. The work is not
25 done. The level of public transparency

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2 has not been achieved. For numerous
3 reasons, we cannot endorse at this time a
4 vote on the proposed Home Rule Charter
5 amendment. The proposal was presented to
6 the public with no prior public
7 discussion on the same day that the
8 independent panel, which had worked
9 diligently for nearly a year, presented
10 its report and recommendations. I have
11 asked for the City Council's written
12 analysis justifying the Charter
13 amendment. I have not received any
14 written analysis other than what I picked
15 up at the table today.

16 There has been little public
17 discussion of the independent panel's
18 recommendations. The public has not had
19 an opportunity to see the Mayor's
20 implementation proposals, and there has
21 been no justification to support. So if
22 you vote today, public transparency on
23 why you voted on something that enshrines
24 something that clearly failed us on June
25 5th, 2013 as devastating as the 22nd and

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2 Market collapse will not be achieved.

3 Forgive me, but I do not feel that this
4 is the right way to proceed on a matter
5 of such life and death circumstances.

6 The Department of License and
7 Inspections can't have a public building
8 safety focus and culture if it is located
9 in a unit that is primarily focused on
10 development. So that's why we oppose
11 this Charter amendment. The independent
12 panel also made the same conclusion, but
13 went further concluding that L&I is so
14 broken that a separate new building
15 department is the only path forward. The
16 current proposed ordinance would take the
17 City back into the inherent conflict of
18 combining development and building safety
19 or making licensing initiatives L&I's top
20 priority. Nothing would prevent the next
21 Mayor or a new City Council from shifting
22 funds away from building safety to other
23 L&I functions. Without fundamental
24 changes now, L&I's historic
25 susceptibility to expanding and shifting

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2 missions will continue. We believe this
3 would be a grave mistake. Mission creep
4 is not just a bureaucratic infringement,
5 but potentially lethal when public safety
6 is at stake.

7 Please respect the six people
8 who died on June 5th, 2013 and those who
9 died later and those who have suffered
10 and still suffer. Please do not rush a
11 change on the City Charter that doesn't
12 go far enough to protect public safety.
13 Please allow a public, transparent, civil
14 discussion. That is the least that the
15 families of the victims and the citizens
16 of Philadelphia deserve.

17 Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you, Ms. Winkler, and let me express, I'm
20 sure, everybody's feeling of our
21 continued sympathies and condolences on
22 both of your losses.

23 Mr. Coleman, did you want to
24 say something too?

25 MR. COLEMAN: No.

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2 COUNCILMAN GREENLEE: No?

3 Okay.

4 First, let me just note for the
5 record Councilman Kenney, Vice Chair of
6 the Committee, is present and Councilman
7 Jones, our Majority Leader is present.

8 Any questions from members of
9 the Committee?

10 (No response.)

11 COUNCILMAN GREENLEE: No?

12 Okay.

13 MS. WINKLER: I have extra
14 copies for anybody who would like.

15 COUNCILMAN GREENLEE: I know
16 all members of the Committee have their
17 copies.

18 MS. WINKLER: Okay.

19 COUNCILMAN GREENLEE: Being no
20 further questions, thank you. Thank you
21 both.

22 THE CLERK: Beth McConnell.
23 (Witness approached witness
24 table.)

25 COUNCILMAN GREENLEE: Good

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 afternoon, Ms. McConnell. I want to make
3 the day longer. Please identify yourself
4 and proceed.

5 MS. McCONNELL: My name is Beth
6 McConnell. I'm the Policy Director with
7 the Philadelphia Association of Community
8 Development Corporations, PACDC. I
9 submitted longer written testimony. I'll
10 abbreviate and shorten for today.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 MS. McCONNELL: And our
14 comments are fairly narrowly focused. I
15 don't think we can weigh in on all
16 aspects of the proposal that you've been
17 considering today.

18 But we do support the idea of
19 creating an Office of Planning and
20 Development and elevating its Director to
21 a cabinet-level position, which gives
22 more weight to housing and community
23 development at the highest level of City
24 government that's been proposed in the
25 resolution.

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2 We also support stronger
3 coordination, communication, and planning
4 between the various agencies that deal
5 with housing and community development.
6 In particular, we think more can be done
7 to create long-range strategic housing
8 plans for our city, and the new proposed
9 Intergovernmental Housing Commission
10 would be a wise place for that strategic
11 planning to take place in conjunction
12 with input from other stakeholders
13 throughout the City.

14 PACDC does recommend, though,
15 that if the legislation moves forward,
16 the Division of Housing be named the
17 Division of Housing and Community
18 Development. It may just be symbolic,
19 but we're concerned if there was
20 "community development" eliminated from
21 the title of a City agency, the public
22 isn't clear on who's responsible for that
23 broader work.

24 We also think that there should
25 be some role -- we don't know exactly

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2 how, but some role for the School

3 District to play in planning since they

4 make decisions about building closings

5 and whether to keep buildings opened or

6 closed, and those should be made in the

7 context of other neighborhood plans and

8 discussions for neighborhoods. One

9 possibility would be including a

10 representative from the School District

11 on the Intergovernmental Housing

12 Commission.

13 This is not really a

14 legislative need or a legislative --

15 appropriate for legislative action, but

16 we do think that there could be some

17 consistency in leadership among the

18 various housing agencies. So if this

19 were to be implemented, the next

20 Administration could consider the value

21 of having common board membership or

22 staffing at the various agencies that

23 must coordinate and cooperate very

24 closely.

25 Now, I know that the proposal

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 has not necessarily -- it's not suggested
3 that this proposal will lead to less
4 staffing at any of the various agencies,
5 but we do hope that if there are any cost
6 savings experienced through the
7 efficiencies, that that leads to less
8 federal CDBG resources being used by City
9 staff. Right now -- actually, last year
10 roughly 42 percent of our CDBG resources
11 were spent on City staff functions, and
12 we really think more of those resources
13 need to be invested on the street in
14 housing and community development.

15 And, finally, I know there's
16 been some discussion about how the
17 Commerce Department should be involved.
18 We think it's important for Commerce to
19 benefit from any improved coordination or
20 communication under this plan, but under
21 the resolution, planning responsibilities
22 would be moved to under the Office of
23 Planning and Development. And so we
24 question kind of whether separating
25 Planning out from Commerce is the best

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2 way to encourage more collaboration or
3 coordination. One alternative -- and I
4 know it's been considered -- is to create
5 a Division of Economic Development as a
6 fourth division. Of course, that raises
7 a question of whether the cabinet-level
8 position of Commerce Director fits -- how
9 that fits in the organizational chart,
10 and I don't think we have any
11 recommendations for how to handle that,
12 but are certainly open to alternative
13 ways to ensure Commerce can participate
14 in improved coordination.

15 That's it. Thank you for the
16 opportunity to comment.

17 COUNCILMAN GREENLEE: Thank
18 you, Ms. McConnell.

19 Any questions or comments for
20 Ms. McConnell?

21 (No response.)

22 COUNCILMAN GREENLEE: Seeing
23 none, thank you very much. Thank you for
24 your time.

25 Ms. Marconi, I think we're

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2 going to call the next group of people up
3 in a panel.

4 THE CLERK: Ned Dunham, Peter
5 Vaira, and Craig Schelter.

6 COUNCILMAN GREENLEE: After
7 these three gentlemen, is there anyone
8 else here to testify on this bill?

9 (No response.)

10 COUNCILMAN GREENLEE: Okay.
11 Thank you.

12 (Witnesses approached witness
13 table.)

14 COUNCILMAN GREENLEE: Whoever
15 would like to start, please identify
16 yourself and proceed.

17 MR. VAIRA: Yes, sir. Good
18 morning, Mr. Chairman, Mr. President.
19 It's a pleasure to be here. Thank you
20 for the permission to do this. I am
21 Peter Vaira. I was the Executive
22 Director of the President's Independent
23 Commission on L&I and the collapse at
24 22nd and Market Street. Sitting to my
25 right is the Chief of Staff, Mr. Ned

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2 Dunham, who ran the day-to-day
3 operations. We're both lawyers, we're
4 professionals, and we're both Navy
5 officers. Welcome to be here.

6 I'm going to make it short.

7 Mr. Dunham and I will not overlap.

8 Last fall Mayor Nutter formed a
9 panel of experts, asked them to examine
10 the terrible situation at the building
11 collapse at 22nd and Market Street which
12 killed six people and injured 13. He
13 also directed the Commission to perform
14 an overall evaluation of the Philadelphia
15 Department of Licenses and Inspections.
16 I was the Executive Director and, as I
17 said, Mr. Dunham was the Chief of Staff.

18 After an intensive ten-month
19 review, the Commission found that the
20 terrible collapse was but a symptom of a
21 larger, longer-standing problem. It
22 found that L&I is a department fragmented
23 by divergent mandates accumulated over
24 decades of mission expansion, of chronic
25 underfunding, and leadership with

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2 differing goals and methods. The
3 resources of L&I are too often spent
4 racing from emergency to emergency, with
5 little lasting impact on focus or
6 long-term safety solutions.

7 The Commission met all the
8 time. It conducted over 100 interviews
9 on site, on people riding around with
10 cars visiting job sites, and interviewing
11 former L&I City employees, examining
12 records, and going into the history of
13 the Department.

14 The Commission has determined
15 the way to address the systematic
16 challenges facing the Department of L&I
17 is to enhance the City's fundamental
18 obligation through its citizens and to
19 divide L&I into a two cabinet-level
20 departments - the Department of Buildings
21 and Department of Business and
22 Compliance. I personally believe that
23 L&I -- and the experts have told us
24 this -- was a disaster when it was
25 enacted 50 years ago and should have been

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2 done away with -- aside from this, should
3 have been done away with a long time ago,
4 and good government would have required
5 you to take a long, hard look at it and,
6 setting aside this collapse, take a long,
7 hard look at L&I. It just doesn't belong
8 there, and to continue anything that
9 resembles it is also bad government.

10 The Commission consisted of
11 engineers -- these were all
12 professionals. There's no political
13 persons on here, no persons with a
14 political mandate. They were comprised
15 of engineers, managers, building and fire
16 safety experts, accountants, information
17 technology specialists, lawyers, and
18 labor officials. We made 35 very
19 specific recommendations, and that
20 includes the appointment of an engineer
21 or architect to head the new Department
22 of Buildings. These recommendations are
23 a suggestion to set in a strategy and
24 direction for new departments. The
25 Commission believes that the development

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2 of these steps is necessary for the
3 effective implementation of each change,
4 and professionals can do that.

5 I must point out this, that we
6 didn't get paid. Mr. Dunham and I did
7 not get paid, and none of the 20-some
8 persons on the Commission got paid. We
9 are not working for the Mayor. The Mayor
10 didn't send us here. We are here to
11 speak because we strongly believe in the
12 recommendations that we have made.

13 Mr. Dunham will talk to us
14 briefly about the recommendations that we
15 believe are good government.

16 We believe that the proposed
17 ordinance would take the City back to the
18 inherent conflict of combining all
19 building and safety and licensing that
20 has been a drag on the City for a long
21 time. Nothing would prevent the next
22 Mayor or the new City Council from
23 shifting funds and going back to where it
24 was before. We believe, as I'll repeat
25 it again, L&I and its composite is just

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2 bad government, and good government
3 people such as yourself should take a
4 long, hard look at it. And moving in
5 this direction of the -- while planned
6 and well thought of, in good spirit of
7 putting together this ordinance that you
8 have, will simply make it higher and
9 deeper and much more bureaucratic, and
10 that's the reason why we oppose it.

11 Mr. Dunham.

12 MR. DUNHAM: Mr. Chairman,
13 Mr. President, thank you again for
14 allowing us to come and give you or share
15 with you our thoughts. We learned quite
16 a bit in this Commission's work. One of
17 the things I want to emphasize is that
18 the Mayor called it an independent
19 commission, and he really delivered. We
20 had zero input from the Administration
21 for the ten months of our work while we
22 prepared the report. He promised us full
23 cooperation from the City, and we got it
24 across the board. We had unfettered
25 access to L&I, to the Law Department, to

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2 Finance, and to several offices of this
3 Council.

4 What we did find was an agency
5 that was flat-out over-tasked and
6 underpaid. Mission creep is probably too
7 kind a word for it.

8 Chronically underfunded,
9 organizational turmoil, four
10 reorganizations in a year, and those poor
11 guys didn't know who they're going to
12 work for the next day. And the word we
13 heard most often about the morale was
14 that it was just flat-out toxic, mainly
15 because there were concerns about safety.
16 They were worried that they couldn't do
17 their safety job because of all the
18 turmoil that was going on.

19 While we were doing our work,
20 six buildings collapsed in the demolition
21 process in 30 days in this city in
22 January and February of this year.
23 That's almost third-world stuff. Then we
24 had 3rd and Market Street, where
25 pleasantly nobody was killed.

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2 We concluded that the only way
3 to give building safety the priority it
4 must have is to establish a separate
5 Department of Buildings, headed up by a
6 professional engineer or an architect
7 whose overriding mission is building
8 safety in construction, maintenance, and
9 demolition. Every other major city that
10 we talked to -- and the Mayor said go out
11 and talk to peer cities. We talked to
12 eight of them - Boston, New York,
13 Baltimore County, Cleveland, Chicago,
14 Denver, Phoenix, and San Diego. Every
15 other city we talked to has a Department
16 of Buildings whose primary function is
17 safety. And, quite frankly, when during
18 these conversations we described the L&I
19 organizational structure, they were
20 appalled that they could get their job
21 done.

22 We believe the way forward is
23 that the Mayor's Executive Order moving
24 L&I to the safety side of the house is a
25 very good, very necessary first start.

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 Council's strong ordinances that they
3 have put in place since the collapse need
4 to be implemented. There's some very
5 good ordinances relating to training, to
6 qualifications of contractors. We all
7 know that this contractor that caused
8 this collapse had zero qualifications and
9 a criminal record. We're hoping and
10 praying that the Council can get together
11 with the Administration to implement the
12 restructuring. The restructuring is
13 going to be complex. We know that. We
14 know that all of our recommendations for
15 one reason or another won't work, but
16 it's going to require a lot of
17 cooperation between Council and the
18 Administration to get it done.

19 It is too complex and too
20 important, because lives are at stake, to
21 rush it through. That's why we are
22 opposing the current ordinance and the
23 current recommendation. We know that
24 ultimately a Charter change is going to
25 be required. We just hope that you all

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 can get together and do perhaps what is
3 not common and, that is, to cooperate and
4 see if we can't get this done.

5 We're here. We learned a lot.
6 Peter and I are both private citizens.
7 We're former Executive Director and
8 former Chief of Staff of this Commission.
9 We're also former naval officers. Who
10 cares. But we're here to help. We have
11 learned a lot. We've got a report.
12 You've seen the report or you haven't
13 seen the report. We'll be happy to give
14 it to anybody that wants it.

15 Thank you very much.

16 COUNCILMAN GREENLEE: Thank
17 you, Mr. Dunham.

18 Mr. Schelter, please.

19 MR. SCHELTER: Good morning,
20 Chairman Greenlee and members of the Law
21 and Government Committee. My name is
22 Craig Schelter. I'm the Executive
23 Director of the Development Workshop,
24 Inc. We are a 501(c)(6) non-profit trade
25 association dedicated to fostering

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 development, improving the City's tax
3 base, and growing Philadelphia. Our
4 members include developers, lenders,
5 architects, planners, former City
6 development officials, lawyers,
7 engineers, and associated related real
8 estate professionals.

9 We would like to thank the
10 Chairman and members of the Committee for
11 this opportunity to participate in this
12 hearing about the proposed Charter change
13 that would dramatically reorganize City
14 agencies dealing with planning and
15 development in the City of Philadelphia.

16 During the past six years, this
17 City has dealt with the complexity of
18 creating and adopting a new Zoning Code,
19 which has proven far more complex than
20 originally anticipated. Now, President
21 Darrell Clarke has advanced to the next
22 stage of reform through an extensive Home
23 Rule Charter amendment. The main focus
24 is to create a new cabinet-level
25 position, Director of Planning and

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 Development. The Director would be
3 responsible for overseeing the City's
4 planning, zoning, licensing, inspection,
5 enforcement, and housing functions.

6 Let me be clear. The
7 Development Workshop supports the idea of
8 creating a cabinet-level position
9 Director of Planning and Development
10 under the Home Rule Charter.

11 Nevertheless, because of the complexity
12 and importance of the proposed Charter
13 change, the Workshop does not support the
14 current proposal to put a Charter change
15 on the ballot as reflected in Bill
16 140721. Nor do we support the 22-page
17 Resolution No. 140732 which deals with
18 the details of that Charter change. Many
19 of the potential changes appear to be
20 good ones, but without addressing the
21 operational mechanics of implementation.

22 A few points. A change so
23 dramatic should not be put into place
24 without the informed input of all
25 stakeholders, deliberating over a

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 reasonable period of time. Those
3 stakeholders include community groups,
4 housing advocates, developers, lenders,
5 architects, planners, institutions, and
6 other City officials from both the
7 executive and legislative branch of
8 government.

9 Two, we believe further thought
10 should be given within the proposed
11 framework to preserve the independence of
12 the following agencies: The Planning
13 Commission, Zoning Board of Adjustment,
14 and the Historic Commission. Currently,
15 these three bodies are independent
16 entities, and under the current proposal
17 they would reside within departments.

18 Three, while numerous proposed
19 revisions appear to clarify and
20 strengthen the development process, the
21 crucial approval functions of the Water
22 Department and Streets Department are
23 omitted from what seems to be an overall
24 comprehensive effort to address the
25 development and planning process. No

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 development today can proceed until
3 stormwater management plans and complete
4 streets requirements are approved by
5 those two departments respectively.

6 We have concern about making
7 L&I a division of Planning and
8 Development Director's Office. A better
9 approach may be retaining L&I under a
10 strengthened Managing Director's Office
11 in the current framework.

12 The fundamental challenge for
13 the City with regard to L&I is to
14 adequately fund, staff, train, and
15 supervise officials who are essentially
16 the front line of health and safety in
17 Philadelphia's built environment. The
18 proposed Charter change does not address
19 these vital issues.

20 There appears to be a
21 substantial ambiguity between the role of
22 the City Planning Commission and that of
23 the Interdepartmental Housing Commission
24 since both affect community development
25 policy. While the City Planning

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 Commission's composition is more clear,
3 the IHC composition at this time is
4 undefined. Consideration ought to be
5 given to specifically include the Land
6 Bank in this process as well as other
7 unnamed housing providers.

8 In conclusion, the Workshop
9 commends President Clarke for taking on
10 this effort. Our members stand ready,
11 willing, and able to participate in
12 further councilmanic and stakeholder
13 discussions.

14 Thank you for this opportunity
15 to testify today. I'd be happy to answer
16 any questions you may have.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Schelter.

19 Thank you all three.

20 Councilman Goode.

21 COUNCILMAN GOODE: Briefly,
22 good morning, Mr. Schelter. Good
23 afternoon. When you talk about the
24 current structure that exists, what are
25 you referencing?

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 MR. SCHELTER: The current
3 structure where under the Charter L&I is
4 listed under the Managing Director's
5 Office.

6 COUNCILMAN GOODE: Okay. And
7 you are --

8 MR. SCHELTER: I'm talking
9 about the Charter structure. And here I
10 would say parenthetically if these
11 changes were simply going to be embodied
12 in an ordinance that then could be
13 changed, it might be fine, but when we're
14 talking about making this part of the
15 Home Rule Charter, that's where this
16 becomes something that until we know what
17 all the elements are may be totally
18 binding on a future Mayor, for good or
19 bad reasons.

20 COUNCILMAN GOODE: There is a
21 current structure within the Charter.

22 MR. SCHELTER: It's under the
23 Managing Director.

24 COUNCILMAN GOODE: And this
25 Administration is not following that

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 structure. Are you aware of that?

3 MR. SCHELTER: That's correct.

4 COUNCILMAN GOODE: Okay.

5 MR. SCHELTER: I understand
6 that as --

7 COUNCILMAN GOODE: And these
8 functions are now under a cabinet-level
9 position within this Administration.

10 MR. SCHELTER: I understand
11 that.

12 COUNCILMAN GOODE: So what's
13 the problem?

14 MR. SCHELTER: I think what has
15 happened is that -- and I've had the
16 privilege of working for five Mayors in
17 this city. Every Mayor has -- including
18 your dad. Is that a Mayor comes in and,
19 depending on the key issues at that time,
20 structures a government as best they can
21 under the Charter, and I think each one
22 of them then makes subsequent changes or
23 adjustments in discussions with City
24 Council to move forward in a way to best
25 deal with the problems at hand. I think

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 this is a more monumental effort in terms
3 of its impact on the Charter.

4 COUNCILMAN GOODE: But what's
5 in the Charter right now is not being
6 followed.

7 MR. SCHELTER: The fact that
8 the L&I -- the Department of L&I is under
9 the Managing Director's Office. That's
10 what the Charter says.

11 COUNCILMAN GOODE: But that's
12 not what's being done now.

13 MR. SCHELTER: That's correct.

14 COUNCILMAN GOODE: Okay. Thank
15 you.

16 COUNCILMAN GREENLEE: Thank
17 you.

18 Any other questions or comments
19 for the panel here?

20 Council President Clarke.

21 COUNCIL PRESIDENT CLARKE: Just
22 a couple of quick. Thank you, gentlemen,
23 so much for coming out and testifying.

24 With respect to the concerns
25 about safety, just for the record, it's

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 been referenced earlier that we're
3 clearly -- members of Council and the
4 Administration are clearly concerned
5 about safety. When you reference --
6 what's your position on the actions that
7 have been taken, one, by the City
8 Council's task force and the Mayor's
9 Executive Order in terms of providing
10 additional resources to the table to
11 support safety concerns?

12 MR. DUNHAM: Generally we think
13 they're a very positive step forward.
14 Moving L&I from the development side of
15 the house to the safety side of the house
16 is a very positive step. We think that
17 the Council initiatives are very positive
18 and absolutely necessary to be done. We
19 commend the Council for stepping up so
20 quickly.

21 COUNCIL PRESIDENT CLARKE:
22 Okay. I just wanted to make -- so you
23 acknowledge that because -- and
24 understanding that this proposal had
25 nothing to do with the unfortunate

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 incident. We actually started this a
3 year and a half ago and didn't move
4 forward because of the tumultuous
5 situation relating to the municipal
6 workers and we didn't want to inject this
7 consolidation strategy in the middle of
8 that, so we kind of held off until that
9 contract got done. So one has nothing to
10 do with the other. We were moving
11 towards this consolidation issue, but
12 there was a swift and very aggressive
13 action taken by this Council, both from
14 a -- with respect to public input, I
15 think Councilmembers had how many
16 hearings was it? Four hearings over the
17 course of the summer relating to the
18 demolition issue, exhaustive
19 conversations, and a very good report.
20 The Mayor took swift action.

21 So we understand the
22 significance as it relates to --

23 MR. VAIRA: Mr. President, the
24 object of safety we think ought to be
25 first, and where it fits in in, let's

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 say, a restructure of government is a
3 pretty serious taking on. I would
4 probably think that this Council would go
5 through many, many, many sub-hearings
6 hearing from experts and so forth how to
7 fit that together. And what you have now
8 is just too general. But our particular
9 concern is that we believe that building,
10 starting with dirt, building up a
11 building, and tearing it back down to
12 dirt is one specific area. It should be
13 completely safety. The licensing should
14 come from there. The persons who run it
15 should be professionals, and it should
16 not be modified by any move for
17 development. They can exist together.
18 But our report says safety and safety
19 first. Once you start mixing those up,
20 then it's watered down.

21 So we're looking for, I say,
22 good government to streamline that.
23 Safety first.

24 COUNCIL PRESIDENT CLARKE: And
25 the ability to develop a tract of land

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 that will require some L&I functions,
3 should that not be in a department that
4 deals with development?

5 MR. VAIRA: No. No.

6 COUNCIL PRESIDENT CLARKE: So
7 it shouldn't be?

8 MR. VAIRA: No. Development
9 can -- and --

10 COUNCIL PRESIDENT CLARKE: I'm
11 going to get a permit to develop a block
12 and I need some L&I permits to develop a
13 block. That shouldn't be --

14 MR. VAIRA: That's correct.

15 COUNCIL PRESIDENT CLARKE: That
16 should have no relationship with
17 development?

18 MR. VAIRA: Some cities,
19 Mr. President, combine those at sort of a
20 difficult level. Denver does that.
21 Denver has a development department. But
22 it's something more than just black and
23 white drawing a line. What we're
24 concerned is that the safety should be
25 under the -- with police and fire and it

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 should be a building, and anything
3 concerning that, inspecting it, tearing
4 it down and so forth, which was the
5 problem that you folks discovered early
6 on, ought to be dealt with, but I think
7 take a long, harder look than what you
8 have now.

9 MR. SCHELTER: May I respond
10 too?

11 COUNCIL PRESIDENT CLARKE:
12 Okay.

13 MR. SCHELTER: I think one of
14 the things -- again, if you look at the
15 Charter, if you look at certain agencies
16 or commissions like the City Planning
17 Commission or you look at the Finance
18 Director's Office, are two in particular
19 that I'm familiar with, there are
20 specific requirements in the Charter for
21 what that position calls for in terms of
22 the expertise of that particular person,
23 and I think that's one of the changes
24 that could be made to the resolution as
25 it stands in terms of including those

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 safety requirements so you're talking
3 about a registered professional engineer
4 in the State of Pennsylvania as someone
5 who would head up whatever section you
6 put --

7 COUNCIL PRESIDENT CLARKE:

8 That's an operational issue, which I'm
9 supportive of ensuring that the
10 appropriate people are in the appropriate
11 departments. I'm just simply -- and I
12 understand the issue that deals with
13 safety, but there are significant
14 functions that don't have anything to do
15 with safety that L&I deals with on a
16 consistent basis. And your suggestion is
17 that I want to build a house and I have
18 to go to the Police Department to get a
19 permit to build a house based on what you
20 just said, it should be in Fire or
21 Police. Is that what you're suggesting?

22 MR. VAIRA: No. No. No. You
23 don't have to go to the Police Department
24 for that, but it should be under the
25 general -- right now the Mayor has

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 transferred it under the Deputy Mayor for
3 Police and Fire and other safety. No.
4 That would be ridiculous, send you over
5 to the Police Department. We would be
6 going backwards. But the safety overall
7 supervisor would take care of that.

8 Now, what's the structure?

9 That's a real serious government concern
10 and that's something that's in City
11 Council's bailiwick. Study it, come up
12 with some suggestions in how that would
13 work and work smoothly.

14 COUNCIL PRESIDENT CLARKE:

15 Okay. Thank you. Thank you very much.

16 COUNCILMAN GREENLEE: Thank
17 you, Mr. President.

18 Any other questions or
19 comments?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, thank you. You're ahead of me
23 there. You're getting out of here.

24 Just again for the record,
25 anyone else here to testify on this bill

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 and resolution?

3 (No response.)

4 COUNCILMAN GREENLEE: Seeing
5 none, one moment, please.

6 (Pause.)

7 COUNCILMAN GREENLEE: Council
8 President Clarke.

9 COUNCIL PRESIDENT CLARKE:
10 Thank you, Mr. Chairman.

11 Mr. Chairman, I want to thank
12 everyone who has weighed in on this
13 issue, not only today but over the last
14 several months. There's been substantive
15 conversations with a number of the,
16 quote/unquote, stakeholders about where
17 we need to be, full acknowledgment
18 earlier that there should be some
19 additional changes. We talked with
20 Mr. Greenberger early on and he had
21 recommended something prior to the
22 hearing, and I heard some testimony
23 today. Personally, I agree with a
24 significant amount of it, and then the
25 members have to obviously take their own

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 position.

3 It was always understood that
4 there needed to be a couple of changes
5 with respect to getting to the ultimate
6 goal of facilitating opportunities for
7 people, making sure that there's a safe
8 environment. And what we would like to
9 do, if it's okay with the Chair, during
10 the course of the next couple of months
11 is to actually continue to talk to
12 stakeholders, because I did in fact go to
13 the work -- what's the name of your
14 organization? Developers Roundhouse --
15 Roundtable. Roundhouse is the Police
16 Department. And I want to thank you for
17 that opportunity, and I understand that
18 Herb Wetzel from my staff has been
19 working with you all and similarly with
20 the Building Industry -- BIA and with
21 PACDC and understanding the significance
22 of this and, again, with the Mayor.

23 So it is our hope that over the
24 next couple of months that we be in a
25 position to actually position ourselves

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 to have the appropriate amendments
3 crafted to allow the ultimate goal, which
4 is us getting on the same page.

5 Based on somewhat conflicting
6 testimony, it's clear that everybody
7 won't be satisfied with the ultimate
8 outcome of anything we do. I mean, there
9 are always going to be people on both
10 sides, but it's best possible if we can
11 be in a position to continue the
12 discussion and allow us to proceed.

13 So my understanding, Mr. Chair,
14 based on the timing, this is our last
15 session of Council, and without a
16 suspension of the rules, that will give
17 us a couple of months to come up with the
18 appropriate solutions if we move it out
19 of Committee, and then during the course
20 of the next couple of months, we'll be in
21 a position to come up with something that
22 works for everybody.

23 COUNCILMAN GREENLEE: If it's
24 the decision of the Committee, the
25 earliest, without a suspension of the

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 rules, the earliest this could come up
3 for a full vote would be January 29th,
4 and obviously it doesn't have to come up
5 that date, but that would be the
6 earliest. So that would give at least
7 six, seven weeks before that date to work
8 out anything that can be worked out,
9 certainly with all Councilmembers
10 involved.

11 COUNCIL PRESIDENT CLARKE: Yes.
12 I said earlier one of the concerns -- and
13 I understand the need to have continued
14 conversation, task force and work group.
15 I mean, the reality is, this bill, if
16 enacted, won't be implemented until mid
17 2016. At some point we need to do some
18 things differently. So I'm really -- I
19 understand the concern. It's not
20 something that I made up. This is based
21 on conversations with people who simply
22 want to go down and get a permit.

23 We looked at the Sacramento
24 model as an example where they literally
25 can go online before you go to their

1 12/9/14 - LAW & GOV. - BILL 140721, etc.
2 permitting office and you can pull up how
3 long your wait will be. I mean, that's
4 what we need to be in the City of
5 Philadelphia before you actually go down
6 to the office. I mean, we have the
7 ability to do some good things. I think
8 the Mayor and his team understood that
9 early on when they via Executive Order,
10 understanding that it wasn't Charter
11 mandated, that they made some changes to
12 accommodate the needs of us to move
13 forward.

14 So it's just my hope that we
15 can be in a position where we can get to
16 where we need to go.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. President.

19 Any other comments?

20 (No response.)

21 COUNCILMAN GREENLEE: Seeing
22 none, that concludes the hearing of the
23 Committee on Law and Government.

24 We will now move into our
25 public meeting, and the Chair recognizes

1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 Councilman Goode.

3 COUNCILMAN GOODE: Thank you,
4 Mr. Chairman. I move that Bill No.
5 140721 be reported out of this Committee
6 with a favorable recommendation.

7 (Duly seconded.)

8 COUNCILMAN GREENLEE: It's been
9 moved and seconded.

10 All in favor?

11 (Aye.)

12 COUNCILMAN GREENLEE: Opposed?
13 (No response.)

14 COUNCILMAN GREENLEE: Hearing
15 none, Bill No. 140721 is reported out of
16 this Committee with a favorable
17 recommendation.

18 Councilman Goode.

19 COUNCILMAN GOODE: Thank you,
20 Mr. Chairman. I move that Resolution No.
21 140732 be reported out of this Committee
22 with a favorable recommendation.

23 (Duly seconded.)

24 COUNCILMAN GREENLEE: It's been
25 moved and seconded.

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1 12/9/14 - LAW & GOV. - BILL 140721, etc.

2 All in favor?

3 (Aye.)

4 COUNCILMAN GREENLEE: Opposed?

5 (No response.)

6 COUNCILMAN GREENLEE: Hearing

7 none, Resolution 140732 is reported out
8 of this Committee with a favorable
9 recommendation.

10 That concludes the business of
11 the Rules Committee -- I'm sorry; the
12 Committee on Law and Government today.
13 I'm mixing up committees.

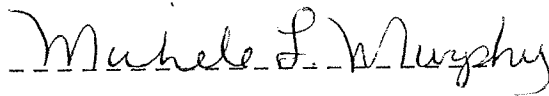
14 Thank you all for your
15 participation.

16 (Committee on Law and
17 Government concluded at 12:55 p.m.)

18 - - -

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

A handwritten signature in cursive script, reading "Michele L. Murphy". The signature is written in dark ink and is positioned above the printed name.

MICHELE L. MURPHY

RPR-Notary Public

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